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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
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WASHINGTON DC 20001-5303

In re Application of :
Kim R. Rogers et al :
Serial No.: 10/657,249 : PETITION TO MAKE SPECIAL
Filed: September 8, 2003 :
Attorney Docket No.: ROGERS1 :

This is in response to the petition filed September 9, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based environmental quality. The delay in acting on this petition is regretted, however it was only recently discovered in the file.

Applicant petitions on the basis that the invention will enhance the quality of the environment. M.P.E.P. 708.02, Part V, gives guidance in this matter, as follows:

The Patent and Trademark Office will accord "special" status to all patent applications for inventions which materially enhance the quality of the environment of mankind **by contributing to the restoration or maintenance of the basic life - sustaining natural elements - air, water, and soil.**

All applicants desiring to participate in this program should petition that their applications be accorded "special" status. Such petitions should be accompanied by verified statements under 37 CFR 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the PTO ** explaining how the inventions contribute to the restoration or maintenance of one of these life - sustaining elements. No fee is required for such a petition, 37 CFR 1.102(c).

Applicant's claims are directed to a detector or method of detection of toxic organophosphorous or carbamate compounds. As such the claimed invention is not directed to the maintenance or restoration of air, soil or water, but the detection of contaminated areas so that other processes may be used to restore them. No actual maintaining or restoring of the natural elements is claimed.

Applicant's petition is **DENIED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number 571-273-8300.


William R. Dixon, Jr.

Special Program Examiner

Technology Center 1600